

U.S. Application No. 10/675,385, filed September 30, 2003  
Attorney Docket No. 15013US02  
Response AF dated March 11, 2010 to Provoke Advisory Action  
In Response to Office Action Made Final mailed January 11, 2010

## **REMARKS**

Claims 1-33 are pending. Claims 1-33 are rejected.

Claims 1-33 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ellis in view of Walker in view of Russell.

**Claim 1 recites “a first location” and “a web server” and “a non-broadcast channel provider.”**

For clarification, it is respectfully requested that the Examiner please further identify each one of these elements in Ellis.

It appears that the first location may be the user equipment (contributor) 102 in FIG. 7. However, then what is the “non-broadcast channel provider”?

It appears that to read “a first location” and “a second location” as set forth in claim 1, the Office Action might be interpreting the user equipment (contributor) 102 as the first location and the user equipment (viewer) 104 as a second location.

Claim 1 recites “generating a request from said first location to receive, at a second location that is remote to the first location, said media provided by said non-broadcast channel provider.” As noted above, it appears that the Office Action might be interpreting the first location as the user equipment (contributor) 102. Thus, it is the contributor 102 that generates a request to receive, at a second location that is remote to the first location, said media provided by said non-broadcast channel provider. So is the non-broadcast channel provider also the contributor 102? If so, then there is no teaching that the contributor 102 (non-broadcast channel provider?) is provided with payment information and authorization information as set forth in claim 1. Also, if the non-broadcast channel provider is contributor 102, then how can the media exchange server serve as a proxy between the first location (contributor 102?) and the non-broadcast channel provider (contributor 102?).

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Claim 1 recites “**a media exchange server**” and “**a storage location**” and “**a non-broadcast channel provider**”.

For clarification, it is respectfully requested that the Examiner please further identify each one of these elements in Ellis.

It appears that the Office Action might be interpreting server 112 as both the “media exchange server” and the “storage location.” However, how can the media server (server 112?) serve as a proxy for the storage location (server 112?) as set forth in claim 1?

Furthermore, the media exchange server serves as a proxy between the first location, the non-broadcast channel provider and the storage location as set forth in claim 1.

It appears that the Office Action might be interpreting the first location and the non-broadcast channel provider as both being the contributor 102, in which case, how does the media exchange server serve as a proxy between the contributor 102 and itself?

It also appears possible that the Office Action might be interpreting non-broadcast channel provider, the storage location and the media exchange server as server 112. In such a case, how does the media exchange server (server 112) serve as a proxy between the non-broadcast channel provider (server 112) and the storage location (server 112)?

Applicants respectfully request further clarification of the elements as set forth in claim 1 and the corresponding components as set forth in Ellis.

In view of the requested clarifications, Applicants respectfully request that the *prima facie* case of obviousness as set forth in the Office Action be reconsidered.

Similar arguments can be made with respect to the other pending independent claims and their rejected dependent claims.

It is respectfully requested that the rejection of claims 1-33 be reconsidered in light of the discussions and requested clarifications.

Applicants do not necessarily agree or disagree with the Examiner’s characterization of

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the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

Applicants respectfully reserve the right to pursue, without prejudice, subject matter that has been withdrawn, amended and/or cancelled a continuing and/or related application.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: March 11, 2010

Respectfully submitted,

/Michael T. Cruz/  
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